



**Z-09-04-003**

**City of Greensboro Planning Department  
Zoning Staff Report and Plan Amendment Evaluation**

**Zoning Commission Hearing Date: April 13, 2009**

**GENERAL INFORMATION**

<b>APPLICANT</b>	Derek Allen for Typark Properties, LLC
<b>HEARING TYPE</b>	Zoning Commission
<b>REQUEST</b>	<b>CD-RM-26</b> (Conditional District-Residential-Multi Family) and <b>RM-18</b> (Residential-Multi Family) to <b>CD-PDI</b> (Conditional District-Planned Unit Development Infill)
<b>CONDITIONS</b>	<ol style="list-style-type: none"><li>1. The maximum height of buildings shall be 3 above ground stories.</li><li>2. The maximum number of multi-family units shall be 44.</li><li>3. The maximum amount of non-residential space shall not exceed 10,800 square feet.</li></ol>
<b>LOCATION</b>	Northwest corner of Spring Garden Street and S. Elam Avenue
<b>PARCEL ID NUMBER (S)</b>	<b>00-00-0159-0-0007-00-016, 00-00-0159-0-0007-00-022, 00-00-0159-0-0007-00-013, 00-00-0159-0-0007-00-021, and 00-00-0159-0-0007-00-012</b>
<b>PUBLIC NOTIFICATION</b>	The notification area for this public hearing was 600 feet (Chapter 30-9-1.2 of the City Ordinance requires notification of the owner of that parcel of land and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the County tax listing). <b>165</b> notices were mailed to those property owners in the mailing area.
<b>TRACT SIZE</b>	~1.82 Acres
<b>TOPOGRAPHY</b>	Generally flat
<b>VEGETATION</b>	Residential landscaping

**SITE DATA**

<b>Existing Use</b>		Multi-Family dwelling units
<b>Adjacent Zoning</b>		<b>Adjacent Land Uses</b>
N	RS-7 (Residential- Single Family)	Single-Family dwelling unit
E	RM-18 (Residential- Multi Family)	Single-Family dwelling unit and apartments
W	RM-18 (Residential- Multi Family)	Multi-Family dwelling units
S	RM-18 (Residential- Multi Family) and CD-GO-H (Conditional District- General Office High Intensity)	Apartments

**Zoning History**

<b>Case #</b>	<b>Date</b>	<b>Request Summary</b>
3573	06/11/2007	A portion of this property was rezoned from RM-18 to CD-RM-26.  The remainder of this property has been zoned RM-18 since July 1, 1992. Prior to the implementation of the UDO, it was zoned RES 75

**ZONING DISTRICT STANDARDS****District Summary \***

Zoning District Designation:	Existing (CD-RM-26 and RM-18)	Requested (CD-PDI)
Max. Density:	26 dwelling units/acre and 18 dwelling units/acre	N/A
Typical Uses	Primarily intended to accommodate multifamily uses	Primarily intended to accommodate residential, commercial, office, and neighborhood business uses developed on small tracts of land as infill development within currently built up areas in accordance with a unified development plan

*\*These regulations may not reflect the actual requirements for all situations; see the City of Greensboro Zoning Code for actual regulations for site requirements for this zoning district.*

**SPECIAL INFORMATION****Overlay District Ordinance/Historic Preservation –**

This site is located within the Spring Garden Pedestrian Scale Overlay District

**Environmental/Soils**

Water Supply Watershed	N/A, Site drains to South Buffalo Creek
Floodplains	N/A.
Streams	N/A.
Other:	N/A

**Utilities**

Potable Water
Waste Water

**Airport Noise Cone**

The subject property is not located in the Airport Noise Cone.

**Landscaping Requirements**

Location	Required Planting Yard Type and Rate
North	Type C Yard – avg. width 20'; 2 canopy trees per 100'; 3 understory trees per 100'; 17 shrubs per 100'
South	Street Yard planting in accordance with Spring Garden POD.
East	Street Yard planting in accordance with Spring Garden POD.
West	Type D Yard – minimum width 5'; 2 understory trees per 100'; 18 shrubs per 100'

**Tree Preservation Requirements**

Acreage	Requirements
1.82 Ac.	All trees 4" or greater DBH which are located within the required planting yards

**Transportation**

Street Classification	Spring Garden Street – Minor Thoroughfare, Elam Avenue – Collector Street.
Site Access	All access must be designed and constructed to the City of Greensboro standards.
Traffic Counts:	Spring Garden Street ADT = 18,111.
Trip Generation:	N/A.
Sidewalks	Sidewalks are a requirement of the Development Ordinance. 5' sidewalk with a 5' grass strip is required along both sides of thoroughfares. 5' sidewalk with a 3' grass strip is required along one side (at a minimum, collectors may require sidewalk on both sides) of all other street types. There is existing substandard sidewalk. Developments are required to bring sidewalk up to current standards.
Transit in Vicinity	Yes, route 1, W. Wendover Avenue.
Traffic Impact Study	No, not required per TIS Ordinance.
Street Connectivity	N/A.
Other	N/A.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The proposed **CD-PDI** (Conditional District-Planned Unit Development Infill) zoning would allow land uses that are not compatible with the general character of the area.

### **Connections 2025 Comprehensive Plan Policies**

The Future Land Use Map designates this location as **Multi-Family Residential (Lindley Park Neighborhood Plan)**. The requested **CD-PDI** Zoning district is inconsistent with this designation and a Plan amendment has been requested to **Mixed Use Residential (Lindley Park Neighborhood Plan)**.

### **Connections 2025 Written Policies**

Reinvestment/Infill Goal: Promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods.

POLICY 4C: Promote new patterns and intensities of use to increase economic competitiveness and enhance quality of life in urban areas.

Housing and Neighborhoods Goal: Meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities.

POLICY 6A.2: Promote mixed-income neighborhoods.

POLICY 6A.4: Implement measures to protect neighborhoods from potential negative impacts of development, redevelopment, and/or public projects that are inconsistent with the neighborhood's livability, architectural or historical character, and reinvestment potential.

- Including protection against incompatible commercial encroachments into residential neighborhoods

POLICY 6C: Promote the diversification of new housing stock to meet the needs of all citizens for suitable, affordable housing.

Economic Development Goal: Promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community, including under-served areas such as East Greensboro.

### **Connections 2025 Map Policies (Lindley Park Neighborhood Plan)**

#### **Existing:**

**Multi-Family Residential (Lindley Park Neighborhood Plan)**: This category provides for multi-family housing generally at a density of 6-12 dwelling units per acre. The Multi-Family classification accommodates housing types ranging from small-lot, single family detached and attached dwellings such as townhouses to moderate density, low-rise apartment dwellings.

**Proposed:**

**Mixed Use Residential (Lindley Park Neighborhood Plan):** This category applies to areas where the predominant use is residential and where compatible local-serving nonresidential uses may be introduced. The Mixed Use Residential classification accommodates a diverse mix of housing types and densities, while ensuring that buildings are of appropriate scale and intensity.

**Comprehensive Plan Amendment History**

<b>Case #</b>	<b>Date</b>	<b>Request Summary</b>
N/A	N/A	N/A – This is the first requested amendment to the adopted Lindley Park Neighborhood Plan

**Applicant Stated Reasons for Request****Explain in detail why the change is needed and a justification for such a change:**

The applicant is requesting a change to accommodate a proposed mixed use residential and commercial/office development. The proposed project will ensure that new uses are compatible with the surrounding area. Specifically higher intensity non-residential uses will be located on the first floor of the building(s) proposed along heavily traveled Spring Garden Street with residential uses located both above the non-residential uses and along Elam Avenue. The proposed development is consistent with the principles adopted in the Spring Garden Street Pedestrian Overlay District and the Lindley Park Neighborhood Plan. The proposed land use pattern would create a well defined boundary between higher intensity uses along Spring Garden Street and the established Lindley Park neighborhood to the north.

**Explain in detail the conditions that you think may warrant a Plan Amendment (i.e.**

The subject property is an excellent site for a mixed use development consisting of residential uses and commercial/office uses. The subject property fronts Spring Garden Street where the character of the intersection has transitioned to a bustling area dominated by higher density multifamily dwellings oriented to serve UNCG. The applicant has designed the proposed development to transition from the busy development along and across Spring Garden Street to the established residential uses to the north of the property.

**COMPREHENSIVE POLICY PLAN ANALYSIS****Need for Proposed Change**

The applicant has proposed a mixed residential and commercial project at the corner of Spring Garden Street and Elam Avenue. This site is currently designated Multi-Family Residential on the Lindley Park Neighborhood Plan's future land use map, which does not support non-residential uses. As such an amendment to the Mixed Use Residential classification of the Lindley Park Plan was requested.

**Analysis of immediate needs and long-term implications of request on the adopted Neighborhood Plan**

The Lindley Park Neighborhood Plan was adopted in August 2004 for the area roughly bounded by S. Holden Road, W. Market Street, Elam Avenue and Oakland Avenue. Considered a more detailed component of the City's adopted Comprehensive Plan, the Lindley Park Plan includes a future land use map and supporting text that provides more specific details regarding future development than the Generalized Future Land Use Map.

Land Use designations surrounding the proposed site include Single Family Residential (Lindley Park Plan) to the north, Mixed Use Residential (Comp Plan) to the east, Multifamily Residential (Lindley Park Plan) and Mixed Use Residential (Comp Plan) to the south and Multi-Family Residential (Lindley Park Plan) to the west.

The Lindley Park Plan currently identifies two areas, one in the southeast portion of the neighborhood and one in the northwest portion of the neighborhood for Multi-Family Residential development. The subject property is the only remaining land within these designated areas that does not already contain some form of multi-family development. The Lindley Park Plan also identifies several areas along Spring Garden Street for Mixed Use Residential development, the category the applicant proposes, generally in the vicinity of designated neighborhood commercial nodes. Much of the property designated Mixed Use Residential currently contains single family homes and has not yet developed with more varied residential and non-residential uses.

The subject property is located within the adopted Spring Garden Street Pedestrian Scale Overlay District (PSO) which is intended to implement Lindley Park's vision for an enhanced and revitalized Spring Garden Street corridor by:

- Enhancing the walkability and pedestrian experience along Spring Garden Street
- Providing identified opportunities for the development of enhanced neighborhood retail destinations
- Identifying areas to be retained for industrial uses and providing enhancements needed for the viability of these uses
- Providing for a diverse scale of residential development opportunities that retain and enhance the character of the corridor
- Developing signature gateways at the east and west entrances to the neighborhood along Spring Garden Street and
- Developing guidelines for developers, builders and residents to implement the vision.

The future land use map of the Lindley Park Plan identifies several locations where mixed development was felt to be most appropriate at the time of Plan adoption. While the subject property is not located within these areas the proposal does achieve some of the "Principles for Development" along the Spring Garden Street corridor identified within the broader Lindley Park Neighborhood Plan, including encouraging mixed use development with ground floor retail and development of alternative housing styles that include mixed use developments.

Based on the Lindley Park Plan and Spring Garden Street PSO, mixed development is seen as most appropriate for areas directly adjacent to Spring Garden Street and

between Spring Garden Street and Oakland Avenue. Areas along Spring Garden Street to the east of Elam Avenue are currently designated Mixed Use Residential on the Comprehensive Plan's Generalized Future Land Use Map and a number of properties on Spring Garden Street between Elam Avenue and Holden Road are designated Mixed Use Residential on the Lindley Park Future Land Use Map. The requested map change can fit both existing and prospective land use patterns. However care must be taken to ensure compatibility with the residential core of Lindley Park located to the north through appropriate site design and architectural features. The Lindley Park Neighborhood Plan notes the location of historic, static neighborhood commercial districts along Spring Garden Street corridor, reflected by the future land use map. However, additional opportunities for non-residential development as a smaller component of mixed residential projects appear appropriate to enhance the walkability and pedestrian experience along Spring Garden Street (Issue 1 of Principles of Development) and to develop signature gateways at the east and west entrances to the neighborhood (Issue 5 of Principles of Development). The proposed change to Mixed Use Residential would not negatively alter the character along Spring Garden Street noted in the Plan as any non-residential component in a Mixed Use Residential area would be smaller than the associated residential component.

Designation of Mixed Use Residential for this site would continue to protect the neighborhood residential core from encroachment of nonresidential and incompatible multifamily development (Issues 1 and 3 from the Lindley Park Plan's Land Use section). This change relates only to properties directly adjacent to Spring Garden Street and allowing varied use and densities along this major roadway reduces pressure for incompatible development to locate in other parts of the neighborhood where impacts would be much greater. Combining residential and non-residential uses also reinforces the pedestrian environment intended in the long term for Spring Garden Street. The Lindley Park Plan also encourages the location of business areas approximately one quarter mile along the corridor from each other (Issue 2 of Principles of Development). The non-residential uses associated with this request would meet this intent and further provide a connection between the commercial and mixed development areas along Spring Garden Street with the neighborhood commercial node at Walker Avenue.

### **NEIGHBORHOOD COMMENTS (required by adopted Neighborhood Plan)**

As outlined in the adopted Lindley Park Neighborhood Plan, the Lindley Park neighborhood must review any requested amendment to the adopted Plan and provide official comments on the amendment. The Lindley Park Neighborhood Association has reviewed the proposed amendment and their official comments appear at the end of this staff report.

### **PLANNING BOARD RECOMMENDATION**

The Planning Board will review the proposed Plan amendment on April 15, 2009 and make an official recommendation to City Council following a public hearing.

## **CONFORMITY WITH OTHER PLANS**

### **City Plans – Lindley Park Neighborhood Plan**

This site is designated Multifamily in the Lindley Park Neighborhood Plan.

### **Other Plans – N/A**

## **Staff/Agency Comments**

### **Planning**

The subject property, which is located at the northwest corner of Spring Garden Street and South Elam Avenue, currently contains single-family structures some of which have been converted into multi-family units. The subject site is adjoined by multi-family properties to the south, east and west and single-family residences to the north.

The subject site is located within the boundaries of the adopted Lindley Park Neighborhood Area Plan and the adopted Spring Garden Street Pedestrian Scale Overlay District. The Lindley Park Plan, which replaces the GFLUM, designates this site as multi-family and encourages multi-family developments generally at a density of 6 to 12 units per acre which is inconsistent with the requested CD-PDI. The applicant has however requested an amendment to this plan.

The Spring Garden Street Pedestrian Scale Overlay District outlines standards designed to “ensure quality and compatible development or redevelopment through use of flexible and clear design guidance.” The major objectives of the Overlay District are to enhance the walkability and pedestrian experience along Spring Garden Street, provide identified opportunities for the development of enhanced neighborhood retail destinations, identify areas to be retained for industrial uses and provide enhancements needed for the viability of these uses, provide for a diverse scale of residential development opportunities that retain and enhance the character of the corridor, develop signature gateways at the east and west entrances to the neighborhood along Spring Garden Street, and develop guidelines for developers, builders, and residents to implement the vision of the Lindley Park Neighborhood Plan.

The Applicant proposes to rezone the property to a CD-PDI (Conditional District-Planned Unit Development Infill) zoning designation to allow the redevelopment of the entire site for a maximum of 44 multi-family dwellings and 10,800 square feet of non-residential floor space with a maximum building height of 3 stories.

This request can provide accommodations at a convenient location which is within a “walkable” distance from UNCG campus and other college related facilities. Also Staff believes that the application of the Planned Unit Development concept to this site allows innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible, and environmentally sensitive unified design as well as a development functioning as a cohesive, unified project.

Despite all the positive things that this project can bring to the neighborhood, staff is concerned with the compatibility of the proposed development in relation to the adjacent residential development to the north. Without additional conditions to address the scale



and intensity of the proposed development, particularly for the portion facing S. Elam Avenue, this request is inconsistent with the intent and purpose of the zoning code. Although the Connections 2025 Comprehensive Plan call for compact development, it also speaks to the protection of neighborhoods from incompatible uses.

To ensure compatibility with and the protection of the residential character of the adjacent area, staff strongly encourages the applicant to:

1. Limit the height of any buildings fronting on S. Elam Avenue to 2 above-ground stories
2. Maintain a front setback which is equivalent to the average setback of properties sharing the same block face on South Elam Avenue with the proposed development
3. Add the utilization of cut-off lighting fixtures as a condition (or any wording with similar effect) to prevent exterior lighting from shining upon adjacent properties.

**Staff would be comfortable recommending approval of this proposal if the above suggestions are added as conditions to the request.** At this moment, and without these additional conditions, staff believes that the uses, density and intensity of the proposed CD-PDI zoning district is generally not compatible with adjacent existing development.

### **Water Resources**

The City of Greensboro must adopt and implement the State minimum requirements for the Phase II NPDES post-construction requirements by June 1, 2009. New and revised ordinance language will be adopted to comply with the new regulations, if plan is not submitted before June 1, 2009 site must meet Phase II requirements

### **Housing and Community Development**

This area has recently experienced significant private development of apartments marketed to the growing population of university students. Pressure for such development is unlikely to abate in the near term. If approved, this proposal would involve the demolition of three existing single family homes which have been divided into multiple apartment style dwelling units. Although this proposal appears to be consistent with the general development trend in the area, the proposed residential density for the site is significantly higher than the maximum permitted density of other multi-family zoned property in the corridor. If approved without additional conditions, this proposal could impose significant impacts on existing single family residential development in the form of incompatible building height, scale, and massing. Long term quality of life for residents of the site and for occupants of adjacent residential development could be substantially improved by adding conditions that: limit the site to a rate of 18 dwelling units per acre; limit structure(s) along Elam Avenue to not more than 2 stories; and ensure that structure(s) along Elam Avenue incorporate compatible scale and massing. Provision of bicycle parking facilities on this site would also be a welcome addition to the proposal, considering its location within the Spring Garden Pedestrian Scale Overlay zoning district, its proximity to the UNCG Campus, and its position along Bicycle Route 6 with bicycle lanes, which follows Spring Garden Street. Applicant is strongly encouraged to discuss this proposal with representatives of the Lindley Park Neighborhood.

## **STAFF RECOMMENDATION**

### **PLANNING**

Staff recommends **denial** of the requested **CD-PDI** (Conditional District-Planned Unit Development Infill) zoning district.

- As currently conditioned, the proposal does not ensure compatibility with adjacent development, particularly established residential uses along S. Elam Avenue.
- The project is considered too intense for this site without more specific architectural and site conditions; specifically to reduce to two stories the proposed building fronting on Elam Ave.

Staff recommends **approval** of the requested amendment of the Lindley Park Neighborhood Plan to **Mixed Use Residential**.

- The Principles of Development for Spring Garden Street from the Lindley Park Plan and the implementation of the adopted Pedestrian Scaled Overlay District support mixed development along this corridor.
- This change is felt to not significantly impact the residential core of Lindley Park north of this site (a key plan priority) since it is limited primarily to properties directly adjacent to Spring Garden Street.
- A number of areas designated Mixed Use Residential are adjacent to or in close proximity along Spring Garden Street to this request.

**LINDLEY PARK NEIGHBORHOOD ASSOCIATION'S COMMENTS**

Thanks for requesting LPNA's input on the Plan Amendment Request regarding the properties at the corner of Elam and Spring Garden Street. Our understanding is that the Plan amendment and rezoning requests are rolled into one process in this case because this is a CD-PDI case. That is, we are asked to respond to:

**Z-09-04-003** Northwest corner of Spring Garden Street and South Elam Avenue - An ordinance rezoning from CD-RM-26 (Conditional District-Residential-Multi Family) and RM-18 (Residential-Multi Family) to CD-PDI (Conditional District-Planned Unit Development-Infill) with the following conditions:

1. The maximum height of buildings shall be 3 above ground stories
  2. The maximum number of multi-family units shall be 44
  3. The maximum amount of non-residential space shall not exceed 10,800 square feet
- for a portion of the property located at the northwest corner of Spring Garden Street and south Elam Avenue (1.82 Acres) - for Derek Allen (Sheet 22)

The LPNA Executive Committee has approved the following positions on March 19, 2009:

1. LPNA is opposed to the Amendment to the Lindley Park Neighborhood Plan of changing the current RN-18 and RM-26 (w/ conditional density cap) to a CD-PDI with mixed use.
2. LPNA strongly opposes the proposed project itself as asking for a density of residential use completely out of character with adjoining properties, or the neighborhood plan. In addition to this very dense residential configuration it adds 10,800 square feet of office/retail space with no additional parking, and has no conditions on the uses for the commercial space. It removes the condition limiting height to 2 stories that was part of the original re-zoning. It has no conditions regarding building set backs, lighting and buffers. In addition, LPNA cannot consider approval of a mixed-use plan without a final, detailed site plan that can be added as a condition to any approval.

The remainder of this document lays out the rationale for these two positions.

**I. Opposition to the Amendment to Lindley Park Neighborhood Plan.**

On August 17, 2004 the City Council approved the Lindley park neighborhood Plan including a Future Land Use Map which is included on page A-12. This plan was the culmination of nearly two years of neighborhood meetings, meetings with business stakeholders, and discussion and recommendations for approval by both the Planning Commission and the Zoning Commission.

Part of the Neighborhood Plan was the Spring Garden Corridor study (pp. 49-58). The reason for the corridor study was that the neighborhood feels strongly that the development that occurs along and within the Spring Garden corridor is critical to the health of the core of the Lindley Park Neighborhood (generally north of Spring Garden). We believe that any changes to this well-thought-out Land Use map could be a threat to the overall vision in the plan. We generally feel it is best that the Plan should remain intact as it was adopted by the neighborhood.

The purpose of the Neighborhood Plan, the accompanying Spring Garden Pedestrian Overlay and the Land Use Map was to encourage compatible development within the corridor. Since the plan and guidelines have been adopted, LPNA has supported 2 student housing projects, a retail center, and a mixed-use residential/commercial plan within the corridor. The current proposal simply fails to fit into the plan that the City and

LPNA worked so hard to develop. There are four reasons that indicate why this proposed change to the map should not be approved.

1. *The subject property is part of a node at the intersection of Elam and Spring Garden St. that is clearly designated as Multi-Family Residential on the land use map*—in fact the properties at this node are the ONLY property within the entire corridor specifically designated multifamily, although many other properties are zoned that way. There are currently four other properties, adjacent to or across the street from the subject property, that are multifamily in zoning and use. LPNA feels that maintaining this node as *residential only* is keeping with its current configuration, and meets the goal of preserving a diversity of housing stock within the neighborhood.
2. *The proposed project could threaten the existing commercial nodes that are designated on the land use map*, are currently being used for commercial purposes, and have attracted new investment since the plan has been adopted. The location of the four commercial nodes are clearly designated and identified in the LP Plan (see p. 56 of plan) - which has already led two developers to invest in the corridor as specified by the plan - and the subject property is not one of these four. The proposal wants to introduce more potential retail space (10,800 sq ft) than a few of the nodes have already. This could be a major disruption to commercial patterns as envisioned by the plan. We will mention this below again, but the current proposal does not at all address how this commercial space will be used, limitations that would be placed on its use, or how it would be consistent with the neighborhood plan's emphasis on neighborhood friendly office and commercial development.  
*All in all, this proposal upsets the one designated multifamily node, and threatens the remaining designated commercial nodes. This is not a minor amendment to the plan—if approved, this would be rewriting a plan that has been endorsed by hundreds of residents and stakeholders for the benefit of a single developer.*
3. *There is language within the plan that encourages mixed-use development within the corridor, and that might be seen as support for the current request (p. 53-4)*

Recom. 2a: "Encourage mixed-use development with ground floor retail;"

Issue 4 "Filling between the commercial nodes, the plan recommends a mixed of single family, attached housing and mixed-use developments."

Recom. "Promote developments of alternative housing styles, including townhouses and mixed-use developments."

*These statements must be read within the context of the future land use map. That map clearly identifies properties along Spring Garden that are intended for mixed use development.* The statements above refer to these parcels. The subject property, once again, is clearly designated multifamily and should remain that way. We need to emphasize this point even more strongly: only one set of RM-18 parcels were specifically designated multifamily in the Neighborhood plan—and the subject properties are within that.

4. *LPNA already said "Yes" to development on the largest parcel in the current proposal—the 1.3 acre parcel which in 2007 was rezoned, with LPNA support, from RM-18 to RM-26 with a maximum of 28 units (an effective density of 20.52 units/acre) to develop attached two-story townhome residences for sale.* We thought this plan was consistent with the existing residential character of the entire surrounding area and the neighborhood plan.

The LPNA has repeatedly asked this developer for an explanation of why the 2007 plan is being abandoned. The current applicant was not an owner in this property, but says he did the engineering for the 2007 request. LPNA has repeatedly urged the developer to extend the 2007 project up to a cap of 36 units on all of the land covered in this proposal. We have not yet been given a clear explanation of why this development cannot be pursued.

## **II. Specific Problems with the Proposed Project**

LPNA feels strongly that the future land use map should not be amended. If it were amended, however, there are serious problems with the proposed project that makes it completely unacceptable in its current form. Before reviewing these issues in some detail, a bit of history on this request is necessary.

### **A. History of Neighborhood's Meetings With Developer**

In December 2008 the current developer proposed to expand the 2007 proposal to additional land, maintaining the 2-story restriction, but increasing the number of units to 44. Because this project could not provide adequate parking on site, the applicant also requested an SUP to use the backyard of an adjoining RS-7 lot as an overflow parking lot for this project. LPNA opposed the request because 1) 44 units was too dense for this tract and 2) the SUP was an incursion into the neighborhood core and a nuisance to all adjoining neighbors. The SUP and Rezoning request was not approved at the zoning hearing. The developer had indicated to LPNA that he would not appeal the zoning case if he lost, so we agreed to meet with him soon after that zoning hearing.

Subsequently, 4 or 5 members of the LPNA met with the developer. Among topics discussed was the possibility of using mixed use to reduce the residential density of the project. LPNA Reps at that meeting went to lengths to explain that no such solution could be considered unless the LPNA agreed to a change in the Plan. This conversation was simply exploratory.

Within two days of this meeting the developer came back with the project that is now being proposed—a mixed used project which removes the current height restriction of two stories on 1.3 acres that was negotiated and approved in 2007, retains all 44 units from the plan that was already too dense, and adds 10,800 sq ft of commercial space. This was clearly not what any LPNA member had in mind, or could have even imagined. Moreover, after that meeting the developer decided to pursue an appeal of the original plan to the city council for over one month. After withdrawing that plan the day before the city council hearing, the developer fairly quickly submitted the current proposal.

This proposal has never been approved by LPNA in any form. Moreover, most conversations with the developer have been while the appeal on the last plan was pending. It has been very difficult for LPNA to be sure at any point in this process what the developer actually wanted versus what he was proposing.

### **B. Problems With the Proposed Development**

The proposal is currently subject to three conditions:

1. The maximum height of buildings shall be 3 above ground stories
2. The maximum number of multi-family units shall be 44
3. The maximum amount of non-residential space shall not exceed 10,800 square feet

1. *This proposal removes without comment the current 2 story restriction on the 1.3 acres of land that was negotiated in 2007.* No explanation or justification is given in the proposal.

2. *The proposed residential portion alone is too dense for this property and this area. It sets a cap of 44 units on 1.82 acres—or an effective density of 24.17 per acre. There are two ways of seeing how incompatible this request is with the area.*

- a. *The current zonings on the subject properties would allow a maximum number of units of 37.36. LPNA believes this is the maximum density that should be allowed on this property and will oppose any increase.* Every other multifamily parcel adjacent to or near the subject property is RM-18. LPNA agreed to a slightly higher density in 2007 on only 1.3 acres only because that project was supposed to be for 2 story townhouses to be marketed for owner-occupiers. The current developer has said he will rent to students by the bedroom on these properties. Once again, LPNA opposes any increase in the current density.
- b. *The proposed density is much greater not only compared to surrounding properties, but to nearly all other student multifamily complexes between UNCG and Elam Ave. See the **attached spread sheet**, which shows the relative densities of a number of other student-targeted multifamily projects—nearly all are below 20 units per acre, and well below that.*

2. *In addition to the high residential density the proposal specifies non-residential space of 10,800 feet—and provides no additional parking on site for this, as far as we understand.* Given that the residential density alone is so high, adding so much commercial seems simply unreasonable compared to any other projects in the area. Moreover, there are no conditions on uses for this non-residential space and there are many that LPNA would insist upon anywhere within the corridor. We are particularly concerned about a large student apartment project on top of facilities serving alcohol and with late night hours. This would change the entire texture and character of the residential node at Elam and Spring Garden.

3. *The high-density residential plus commercial uses squeezes parking offsite—and there is very little on-street parking near this property* because of bike lanes, and the turn lanes at Elam and Spring Garden. The additional density and commercial traffic that would be allowed by a Mixed Use designation would create an undesirable level of traffic and parking congestion at this intersection. The intersection of Elam and Spring Garden St. is one of the most congested in the neighborhood. Many people come to the corner to enter Spring Garden St. because of the stoplight there. The HEAT bus has a stop on Elam St. near the corner, and UNC-G students regularly park their cars nearby on Elam to pick up the bus there. City and HEAT buses stop on Spring Garden St. just east of the intersection. The existing Multi-Family zoning would not be expected to generate the daily traffic that Mixed Use with commercial or retail would generate.

4. *The current proposal provides too little detail or specifics on how this proposed mixed-use property will fit in with the neighborhood plan, the adjoining properties and the neighborhood itself.* There is no explanation of *how* the development will be compatible with the surrounding area, how it is consistent with the Spring Garden Overlay, how it would create a boundary between the Overlay and the neighborhood core, etc.. We would like to see detailed explanations for all of the criteria required on the amendment request.

#### **Conditions We Would Need in Order to Consider This Project:**

Finally, and to repeat. *The LPNA objects to the Plan Amendment on the subject property—the Plan has it as multifamily residential for a reason and it should stay that way.* It also would object to the proposed project even if the Plan Amendment were not required. Some conditions that would have to be added before we could consider the project would be:

- 1) A cap on residential density of no more than 37 total units—which is its current density configuration. This is already higher than any other adjoining property only

because of the agreement LPNA made in 2007—which has unfortunately and inexplicably been abandoned. Any higher density than is current would be out of character with all surrounding multifamily properties.

2) A minimum building set-back on Elam Ave. of 25', bringing the proposed development setback in line with existing building setbacks on that street.

3) A condition capping all building heights at 2 stories.

4) A landscaped buffer of 20' between the development and existing development, with "C" yard planting requirements.

5) That lighting placement and type be such that no light is directed onto adjacent property or buildings or cross the property line.

6) Limits on the type of commercial businesses that can occupy the retail space, prohibiting bars, restaurants, and establishments with operating hours after 10 p.m. or before 8 a.m. For a space this size there might also be a condition on the mix of retail/office space to be discussed.

7) A detailed site plan, with a landscape plan, a lighting plan, and building elevations and specifications showing building materials, must be part of the re-zoning.

I will close with a general, and unfortunate, observation. The developer called several meetings with the neighborhood, claiming he wanted to hear our ideas, but he has dismissed most of our concerns out-of-hand—on this mixed-use project and the earlier request. In addition to communication problems, this proposal has not changed in over one month—there has been no further development of the site plan that we have seen, discussion of elevations, or any number of issues. We feel there is currently not enough details given in this proposal to respond carefully and fully.

We have negotiated successfully with several developers in the past, and hope to continue doing so in the future. This particular experience has been difficult and unproductive. We are particularly concerned in this case because this developer is proposing an ambitious and challenging project on a very important corner within the neighborhood.













